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Thomas Lemmons

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SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV

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EXAMINER

THOMAS, JASON M

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/10/09 have been fully considered but they are not persuasive.

Applicant alleges that Hendricks does not teach, “storing said list of addresses of said targeted information at a viewer’s location” (pg. 8) and that “there is no teaching by Hendricks...that the switching plan includes the addresses of the targeted information” (pg. 9).

Hendricks teaches two means of directing targeted advertising to end users which involve the use of a switching plan as that means of direction. The switching plan is used to direct the terminal to the location where the targeted advertisements should be received (see [abstract], [col. 6, ll. 1-13]) and these switching plans can be stored at the television terminal (see [col. 6, ll. 14-23]).

In one embodiment the switching plan uses the method of switching to a most appropriate feeder channel which delivers the targeted advertising (see [col. 26, ll. 14-30], [col. 27-28, ll. 63-16], [col. 58, ll. 8-23]). The switching plan in effect has a list which coincides with an appropriate channel or frequency to tune into for each program break. While tuning into a one of many channels or frequencies may not be the intent in the instant application, reading the broadest reasonable interpretation of the claims does not preclude an address to be read as a location on a cable

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television network, such as a channel ID or frequency, where targeted programming can be delivered.

Furthermore Hendricks teaches an alternative use of the switching plan in the event that the targeted advertisements are received into the set top terminal and later retrieved from a location in the memory of the terminal in which they are stored prior to being recalled (see [cols. 3-4, ll. 67-5], [col. 34, ll. 60-67], [cols. 72-73, ll. 64-2]). In this teaching, Hendricks indicates that the feeder channel is eliminated but that the switching plan is still required to direct the targeted advertising to be included in the programming. While Hendricks may not explicitly teach that addresses are needed to retrieve the target ads from their storage location and place the appropriate downloaded target ads within the programming to which it is associated, via the switching plan, it is inferred that the addresses of each stored advertisement is needed to retrieve it from the memory of the set top terminal in order to be included at the appointed spot as directed by the switching plan (see [col. 74, ll. 4-16] where it is stated that the stored advertisement is retrieved from a location in the set top terminal memory based on some form of locating means, for example a character or group of characters that identifies some data source or destination such as a filename located within a directory of memory device).

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423